



The State
of Wyoming



Department of Environmental Quality

Jim Geringer, Governor

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ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
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FAX 777-3610	FAX 777-6462	FAX 777-5616	FAX 777-6937	FAX 777-5864	FAX 777-5973	FAX 777-5973

GENERAL UNDERGROUND INJECTION CONTROL PERMIT

AUTHORIZATION TO DISCHARGE TRONA TAILINGS INTO A CLASS 5B1 INJECTION SYSTEM

PERMIT NUMBER: 5B1-98-1

In compliance with the provisions of the Wyoming Environmental Quality Act and Chapter 16 Wyoming Water Quality Rules and Regulations adopted thereunder, Class 5B1 Tailings Injection Systems located within the State of Wyoming which are discharging or may discharge tailings underground receiver are hereby authorized to discharge to ground waters of the State of Wyoming in accordance with the requirements of this permit. The operator of a Class 5B1 facility shall submit the information required within Part II of this permit to provide notice of intent to be covered under this permit. Coverage under this permit is allowed when the department issues a written authorization for acceptance of operations to the permit applicant. This permit consists of this page, all pages of the preamble and table of contents and pages 4 through 12 of permit conditions.

This permit becomes effective on the date of issuance. Owners or operators of Class 5B1 facilities required to obtain a permit have six (6) months from the effective date of this general permit to make application for coverage or make application to obtain an individual permit. Operators who install new class 5B1 facilities shall obtain coverage under this permit prior to installing such a facility.

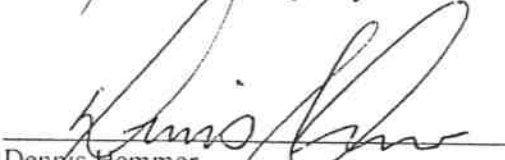
This permit shall will be reviewed every five (5) years.



Gary Beach
Administrator - Water Quality Division

2/17/99

Date



Dennis Hemmer
Director - Department of Environmental Quality

2-19-99

Date

PREAMBLE

The purpose of this preamble is to provide operators of Class 5B1 facilities, Trona Tailings Injection Systems, who obtain coverage under this permit with some hints and practical advice for complying with the conditions of this permit.

The most basic point to keep in mind is that any discharge to groundwater is required to have a permit by law. Obtaining coverage under this permit does not provide authority to pollute groundwater or surface water or cause public health impacts.

The intent of this general permit is to allow trona companies an option to the existing system of individual permits. The level of protection afforded to groundwater quality is not different under this general permit than under the individual permits which may be replaced by this permit. The language of this general permit allows those companies who already have individual permits to reference those applications in applying for coverage. Companies who presently have individual permits will be required to relinquish those permits in order to be covered by this general permit. No one will be covered by both an individual permit and this general permit.

If you should need assistance, please contact the UIC Program Supervisor at (307) 777-7095.

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Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This permit covers all areas within the State of Wyoming except areas within the Wind River Indian Reservation where the state does not have jurisdiction. This permit is limited to the disposal of tailings from the commercial processing of trona into mined out sections of the same trona mines.

B. Facilities Covered Under This Permit

1. All Class 5B1 facilities for the disposal of tailings into mined out sections of trona mines can be covered by this permit. This includes both systems in existence prior to April 15, 1998, and any new systems constructed after that date.
2. Coverage under this general permit will include an unlimited number of injection wells all within the Land Quality Division permit to mine area for each trona operation.

C. Facilities Not Covered Under This Permit

The following facilities are not covered under this general permit:

1. Any 5B1 facility which injects tailings into a mined out section of any mine other than trona. These facilities generate a tailings product of different quality than a typical trona mine, and the mines themselves will be quite different in their hydrologic impact. The Water Quality Division has not evaluated such impacts. An additional general permit may be issued for other types of underground tailings disposal if the need arises.
2. An existing 5B1 facility covered by an individual permit issued pursuant to Chapter 9 or Chapter 16, Water Quality Rules and Regulations, unless the operator requests that the existing individual permit be canceled first.

D. Administrator May Require An Individual permit

The administrator may require any operator covered by this permit to obtain an individual permit when a review of the information required to be submitted under this permit indicates that the general permit would not be protective of groundwater. The administrator shall inform the operator in writing that coverage under this permit will cease six (6) months from the date of receipt of the notice. The notice will also be provided that operation of the facility after that date without an individual permit issued under Chapter 16, Water Quality Rules and Regulations is prohibited.

E. Operator May Choose Coverage By An Individual Permit

Any operator covered by a general permit may at any time apply for and obtain an individual permit for the same facility. Once issued, an individual permit will eliminate coverage by the general permit for that facility.

F. Authorized Operations

This permit provides authorization to the facility operator to discharge trona tailings associated with Class 5B1 tailings injection systems. Additives may be added to this steam to reduce friction loss in piping, to increase the concentration of soluble salts in decanted water, to reduce the settling time of the tailings after they are emplaced, to increase the strength of the emplaced tailings, or to increase the stability of the emplaced tailings without limit.

Part II. COVERAGE APPLICATION CONTENT

1. The applicant shall complete the application form and sign the certification and agreement sections of the application contained in Appendix A and provide any additional supporting information required in this Part II for the department to make an environmental impact assessment. Other supporting information shall include:
 - (a) All property boundaries and adjacent property land use;
 - (b) All water wells within 1/4 mile of the facility and the use of these wells (if a domestic use well is screened in the shallow uppermost aquifer and found close to the subdivision and is the first well found downgradient of the class V property, the accumulation of well data beyond that is not required);
 - (c) All surface water bodies and springs;
 - (d) All known potential sources of groundwater contamination or pollution;
 - (e) Describe the peak maximum daily disposal capacity of the injection system in terms of gallons per day of tailings slurry and tons of tailings per day;
 - (f) Any available information on the lithology, geology, hydrogeology, and groundwater quality of the shallowest groundwater.
2. All operators covered under this general permit shall submit a plan for monitoring the mechanical integrity of the individual injection wells. Operators who are currently covered by individual permits may meet this requirement by reference to the original individual permit application, by submitting a stand alone document, or by reference to any mechanical integrity method which has been accepted by the Environmental Protection Agency for this class of injection and in this state.
3. Operators who are covered by existing individual injection permits may obtain coverage by signing the certification and agreement sections of the application contained in Appendix A and referencing their original individual permit application. These applicants have already provided the additional supporting information required in this Part and the department has already made an environmental impact assessment.

Part III. STANDARD PERMIT CONDITIONS

A. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

B. Right to Access

The permittee shall allow the administrator, or an authorized representative of the administrator, upon the presentation of credentials, during normal working hours, to enter the premises where a regulated facility is located, or where records are kept under the conditions of this permit, and inspect the discharge and related facilities, review and copy

reports and records required by the permit, collect fluid samples for analysis, measure and record water levels, and perform any other function authorized by law or regulation.

C. Signatory Requirements

1. All applications, reports, and other information submitted to the administrator shall be signed by a person who meets the following requirements:
 - a. For a corporation -- by a principal executive officer of at least the level of vice-president;
 - b. For a partnership or sole proprietorship -- by a general partner or the proprietor, respectively;
 - c. By a duly authorized representative for any of the above. A person is a duly authorized representative only if:
2. The authorization is made in writing by one of the described principals;
3. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity; and
 - a. The written authorization is submitted to the administrator.
4. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the administrator prior to or together with any reports or information, to be signed by an authorized representative.

D. Certification

Any person signing documents required by this permit shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

E. Advance Notice of Changes or Modifications

1. The permittee shall give advance notice to the administrator as soon as possible of any planned physical alteration or additions, other than authorized operation and maintenance, to the permitted facility and receive authorization prior to implementing the proposed alteration or addition;
2. Any modification which may result in a violation of a permit condition shall be reported to the administrator, and any modification that will result in a violation of a permit condition shall be reported to the administrator through the submission of a new or amended permit application;

F. Noncompliance

1. Reports of compliance or non-compliance with, or any progress reports on interim and final requirements contained in any compliance schedule, if one is required by the administrator, shall be submitted no later than 30 days following each schedule date;
2. Confirmed noncompliance resulting in the migration of injected fluid into any zone outside of the permitted receiver must be orally reported to the administrator within 24 hours, and a written submission shall be provided within five (5) days of the time the permittee becomes aware of the excursion. The written submission shall contain:

A description of the noncompliance and its cause;

The period of noncompliance, including exact dates and times, and, if the noncompliance has not been controlled, the anticipated time it is expected to continue; and

Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The permittee shall report all instances of noncompliance not already required to be reported under items (P) through (R) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in item (R) of this section.
4. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

G. Relevant Facts Omitted in Application

In the situation where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the administrator, the permittee shall promptly submit such facts or information.

H. Construction and Performance Requirements

1. The injection facility shall meet construction requirements outlined in Section 10 of chapter 16 or the permittee shall furnish certification that the facility has been designed and constructed to meet the requirements of this section.
2. The permittee shall properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding and operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
3. Injection may not commence until construction is complete.

I. Abandonment

1. The permittee shall notify the administrator at least seven (7) days before conversion or abandonment of the facility;
2. An abandonment report, detailing the compliance abandonment procedures outlined the original permit application, or describing any deviations from the original plan, shall be submitted as soon as practicable after abandonment; and
3. All operators covered by this general permit shall submit an abandonment procedure to be used at the end of the useful life of all injection wells. Such a procedure shall be carried out after the wells have outlived their usefulness as injection wells, as water recycling wells, or as monitor wells. Operators who have been covered by individual permits may reference the original individual permit application in fulfilling this requirement.

J. Change of Ownership

1. When the operator with responsibility for a permitted project is to change, the new operator shall submit a request to transfer the permit on forms provided by the department at least 48 hours prior to the change, and the preceding operator must sign the request acknowledging that termination of rights under the permit will cease when the department accepts the permit transfer. The new operator or owner shall sign the transfer form agreeing to be bound by all of the terms and conditions of the permit.
2. Coverage under this general permit is not transferable to any person except after notice to the Administrator. Any transfer of a permit shall first be approved by the administrator, and no transfer will be approved if the facility is not in compliance with the existing permit unless the proposed permittee agrees to bring the facility into compliance. The Administrator may require the operator to apply for and obtain an individual permit pursuant to Chapter 16.

K. Duty to Comply

The permittee shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of these regulations and may be resolved by enforcement action, permit termination, revocation, or modification.

L. Toxic or Hazardous Substances

The permittee shall not discharge any biological, hazardous, toxic or potentially toxic materials or substances in concentrations above allowable standards contained in Chapter VIII, Water Quality Rules and Regulations into any class I, II, III, IV or Special A groundwater of the state.

M. Penalties for Violations of Permit Conditions

Article 9 of the Wyoming Environmental Quality Act provides significant penalties for any person who violates a permit condition. Any person who violates any condition of this permit is subject to a civil penalty not to exceed \$10,000 per day of such violation, as well as any other appropriate sanction provided by the Act. Knowingly or willfully violating the permit may result in criminal penalties of up to \$25,000 per day of violation and/or

imprisonment for up to one year. Criminal penalties for subsequent knowing or willful violations of the permit may be up to \$50,000 per day of violation and/or imprisonment for up to two years.

N. Continuation of the Expired General Permit

An expired general permit continues in force and effect until a new general permit is issued or this permit is terminated.

O. Need to Halt or Reduce Activity Not a Defense; Stay of Permit Conditions

1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
2. The filing of a request by the permittee, or at the instigation of the administrator, for a permit modification, revocation, termination, or notification of planned changes or anticipated non-compliance, shall not stay any permit condition.

P. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. Should groundwater become polluted or affect groundwater uses, the permittee shall take corrective actions to restore polluted groundwater to pre-contamination quality of use.

Q. Duty to Provide Information

1. The permittee shall furnish to the Administrator within a reasonable time, any information which the Administrator may request to determine compliance with this permit. The permittee shall also furnish to the Administrator upon request, copies of records required to be kept by this permit.
2. The permittee shall furnish to the administrator, within a specified time, any information which the administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. The permittee shall also furnish to the administrator, upon request, copies of records required to be kept by the permit.
3. The permittee shall furnish any information necessary to make an assessment of the effect of this discharge on the environment as required in this permit.

R. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Administrator, he or she shall promptly submit such facts or information.

S. Penalties for Falsification of Reports and Monitoring Systems

Article 9 of the Wyoming Environmental Quality Act provides that any person who knowingly makes any false statement, representation or certification in any application, report, record, plan, or other document filed or required

to be maintained under the act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall, upon conviction, be fined not more than ten thousand dollars (\$10,000) per day for each violation or imprisoned for not more than one (1) year, or both.

T. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

U. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

V. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee when necessary to achieve compliance with the conditions of the permit.

W. Reopener Clause

For good cause the Administrator may, at any time, require a permittee covered under this permit to obtain an individual permit, coverage under an alternative general permit, or this permit may be modified to include different limitations and/or requirements. Permit modification or revocation will be conducted according to Wyoming Water Quality Rules and Regulations, Chapter 2.

PART IV. MONITORING PROGRAM; RECORDS AND REPORTS

A. General Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample measurement, report, or application. This period may be extended by request of the Administrator at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;

- c. The date(s) analyses were performed;
 - d. The time(s) analyses were initiated;
 - e. The initials or name(s) of the individual(s) who performed the analyses;
 - f. References and written procedures for the analytical techniques or methods used; and
 - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
 5. The permittee shall retain all records concerning the nature and composition of injected fluids until 5 years after completion of any specified plugging and abandonment procedures. The administrator may require the owner/operator to deliver the records to the administrator at the conclusion of the retention period.
 6. The permittee shall report any noncompliance which may endanger health or the environment, orally within 24 hours from the time the operator becomes aware of the circumstances. The report should include:
 - a. Any monitoring or other information which indicates that any contaminant may cause an endangerment to a usable groundwater of the state.
 - b. Any noncompliance with a permit condition or malfunction of the discharge (injection) system which may cause fluid migration into or between usable groundwaters of the state.
 - c. A written submission shall be provided within 5 days of the time the operator becomes aware of the circumstances. This written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 7. The permittee shall report all instances of noncompliance not reported otherwise, at the time monitoring reports are submitted; such reports shall contain the information listed in Part IV A 3 and 5 above.
 8. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.

B. Requirements for Monitoring the Discharge

1. The permittee shall monitor the amount of fluid being disposed of annually. The permittee shall report this amount in terms of the volume of water/tailings slurry emplaced and in terms of the tonnage of tailings injected.

Part VII. DEFINITIONS

- A. "Administrator" means the Administrator of the Water Quality Division, Wyoming Department of Environmental Quality or his or her authorized agent.

- B. **"Operator"** means the permittee or the party, person, corporation or other entity that has operational control over a class V injection facility. The operator is responsible for ensuring compliance with all conditions of the permit.
- C. **"Wyoming Water Quality Standards"** refers to Wyoming Water Quality Rules and Regulations, Chapters 1 (surface water standards) and 8 (ground water standards).

APPENDIX A: APPLICATION FORM FOR COVERAGE UNDER THIS PERMIT

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
WATER QUALITY RULES AND REGULATIONS, CHAPTER 16 (1998)

Application for Coverage Under a General Permit
TRONA TAILINGS INJECTION FACILITY - 5B1

Registration No.:
Date recd:

1. Name of Facility: _____ Location: _____
T__N, R__W, Section __ $\frac{1}{4}$ __ $\frac{1}{4}$ which is located in _____ County, Wyoming. This facility is located _____ feet FNL and _____ FEL of Section __ or (bearing and distance) from the _____ corner of Section _____. OR Latitude: ____° ____' ____" North and Longitude: ____° ____' ____" West preferably within a (ten) 10 meter accuracy. Mailing Address: _____

_____ Street address where records will be kept: _____

_____ Telephone Number: () ____ - ____ Name and title of responsible individual, address and telephone number if different from above: _____

_____ Telephone Number: () ____ - ____
2. Name address and telephone number of the operator on site: _____

_____ Telephone Number: () ____ - ____
3. A brief description of the nature of the business and the activities to be conducted that require the applicant to obtain coverage under this chapter: _____

4. Depth of injection zone : _____ feet. The disposal capacity of the facility in gallons per day: _____
5. a. Owner of the surface rights where facility is located: _____

_____ Telephone Number: () ____ - ____
- b. Copies of access agreement between above owners and the operator if the operator is not the owner shall be attached. This requirement may be met by having the owner of the property write a letter stating that he consents to the construction covered by this application.